

REMARKS/ARGUMENTS

Claims

The Examiner rejected claims 1-8. By this amendment, claim 1 has been amended and claim 8 has been cancelled. Therefore claims 1-7 remain pending in the application.

Claim Rejections – 35 USC §103

Claims 1-2 were rejected under 35 USC 103(a) as being unpatentable over Debry (US Pat. No. 6, 314,521) (hereinafter Debry ['521]) in view of Newton et al. (U.S. Patent No. 5,771,291, hereinafter Newton). The rejection is respectfully traversed.

In the Advisory Action the Examiner stated: "The secret identifier of the serial no. is sent both encrypted and in clear. The key that is built in at the manufacturing time used to encrypt the serial no. can also be interpreted as the secret identifier." The Applicants respectfully submit that neither of those two sentences is supportable.

Regarding the first sentence, it is an oxymoron to state that a secret identifier is sent "in the clear". The Applicants asserted that point in the previous response. Further Debry ['521] discloses that a model number and serial number—not a "secret unique identifier" as per the present claims—are sent both in an encrypted message and in the clear.

Nevertheless, to further prosecution of this application, the Applicants have now amended independent claim 1 by adding the negative limitation "wherein the secret unique identifier is not otherwise transmitted in the clear." Such an unambiguous negative limitation should positively remove Debry ['521] as a reference. Note that such a negative limitation should be deemed acceptable to the Examiner under MPEP 2173.05(i): "*The current view of the courts is that there is nothing inherently ambiguous or uncertain about a negative limitation. So long as the boundaries of the patent protection sought are set forth definitely, albeit negatively, the claim complies with the requirements of 35 U.S.C. 112, second paragraph.*"

Support for the above negative limitation is found in the specification as originally filed in Figure 50 and at page 49, lines 26-30: "A preferred embodiment of a printer registration protocol is shown in Figure 50. According to the protocol, when the printer connects to the netpage network for the first time after installation, it creates a signature public/private key pair 91,92. It transmits the secret ID and the public key 91 securely to the netpage registration server 11." (Emphasis added.) As defined in the previous response, transmitting something securely means that it is not transmitted "in the clear."

Regarding the second sentence above made by the Examiner in the Advisory Action, the Applicants respectfully assert that it is disingenuous to state that numerous elements of Debry ['521] could be interpreted as the "secret identifier" of the present claims. Such ambiguity seems to support the arguments of the Applicants that Debry ['521] did not disclose or fairly suggest to those skilled in the art the limitations of the present claims. Further, if the encryption key of Debry ['521] that is built into the printer at manufacturing time (col. 8, lines 59-60) is deemed by the Examiner to be equivalent to the secret identifier of the present claims, then, *a fortiori*, Debry [521] does not disclose the present claim limitations. That is because Debry ['521] clearly does not transmit the built in encryption key from a printer to a registration server—as would be required to anticipate the limitations of the present claims.

The Applicants assert that the rejections of the remaining dependent claims are now moot in light of the above amendments and arguments concerning independent claim 1. Accordingly, it is submitted that the application is now in condition for allowance. Reconsideration and allowance of the application is courteously solicited.

Very respectfully,

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